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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/869,215

08/11/2003

Boaz Porat

83143

1259

7590

05/01/2006

Welsh & Katz
22nd Floor
120 South Riverside Plaza
Chicago, IL 60606-3913

EXAMINER

DEPPE, BETSY LEE

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869,215

Applicant(s)

PORAT ET AL.

Examiner

Betsy L. Deppe

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 15-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 19 and 21 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 8-11 and 15-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2005 is/are: a) ☒ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/29/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see the first full paragraph on the second page of the remarks, filed February 21, 2006, with respect to claims 1-11, 15-19 and 21 have been fully considered and are persuasive. The rejection of August 5, 2005 has been withdrawn.
2. The Examiner notes that although the first page of the response filed February 21, 2006 includes the correct serial number (09/869,215) of the application, the subsequent pages include a typographical error in the header (i.e. application number 10/131,957).

Drawings

3. Drawings were received on November 14, 2005 and February 21, 2006. The drawings filed November 14, 2005 are acceptable. The drawings filed February 21, 2006 are not acceptable because of typographical errors and the pages are not labeled as "Replacement Sheet" in the header.
4. The drawings are objected to because the elements in Figure 6 should be labeled so that one viewing the drawings may understand the subject matter of the claimed invention without referring to the detailed description.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification does not describe an xDSL modem comprised of all the limitations as recited in claim 19. According to the detailed description, the generating means and modulating means in claim 19, lines 2-7 comprise one modem while the limitations on lines 9-22 comprise another modem.

Claim Objections

6. Claims 8 and 9 are objected to because of the following informalities:
- a. in claim 8, line 16, "corresponding" should be deleted;
 - b. in claim 8, line 18, "the xDSL user modem" should be "the corresponding xDSL user modem";
 - c. in claim 8, line 19, "the corresponding xDSL modem within the central office" should be "the xDSL **user** modem"; and
 - d. in claim 9, line 12, "the received demodulated" should be "the demodulated received."
 - e. The respective dependent claims are also objected to for the same reasons.
- Appropriate correction is required.

Allowable Subject Matter

7. Claims 1-11, 15-19 and 21 are allowed.
8. The following is an examiner's statement of reasons for allowance: prior art of record does not teach or suggests in combination a method or system of data transfer between two modems wherein a wake-up bit pattern which identifies the corresponding modem is used to switch a modem from a sleep mode to an operation mode as recited in the respective independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. This application is in condition for allowance except for the following formal matters: objections to the drawings, specification and claims.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betsy L. Deppe whose telephone number is (571) 272-3054. The examiner can normally be reached on Monday, Tuesday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11. Please note that this application is now assigned to Art Unit 2611.

A handwritten signature in black ink, appearing to read 'B. Deppe', with a long horizontal flourish extending to the right.

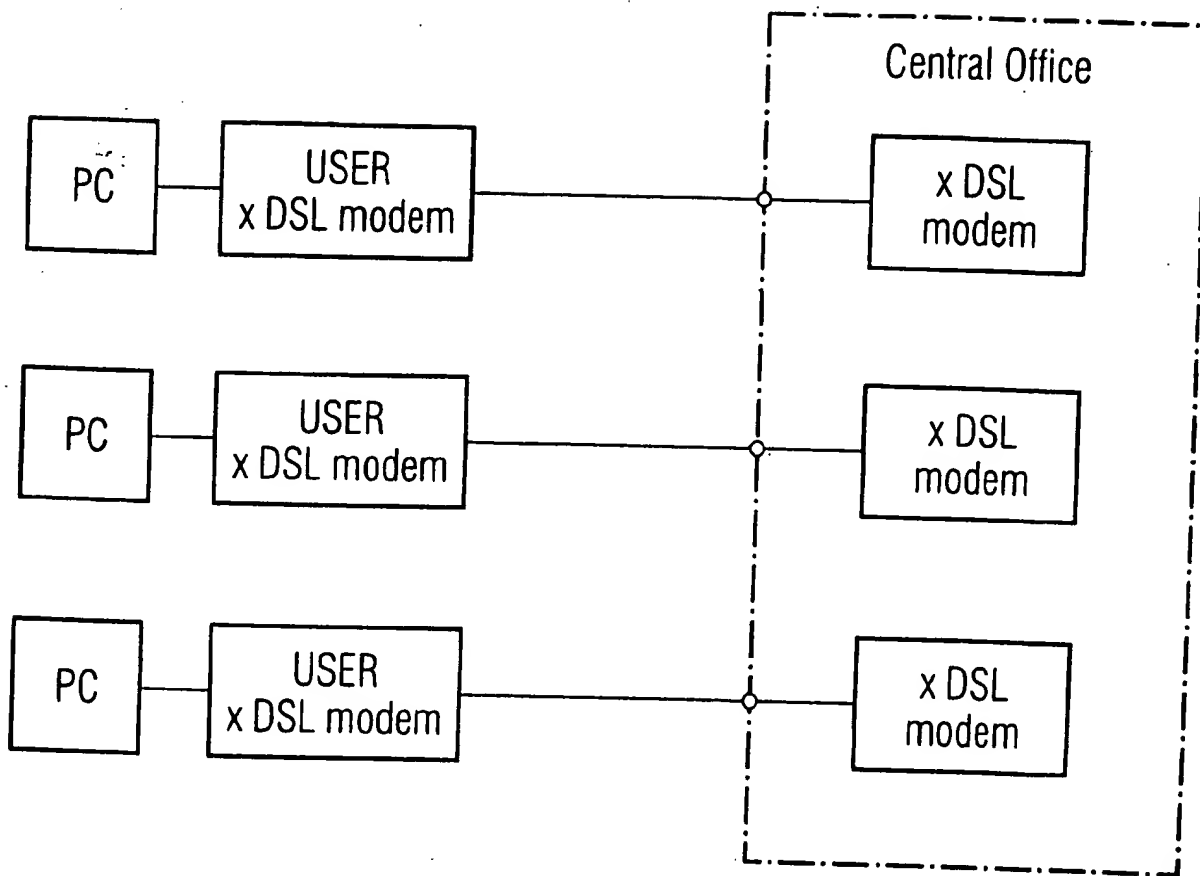
Betsy L. Deppe
Primary Examiner
Art Unit 2611



1/6

Not Acceptable
BD 4/24/06

FIG 1



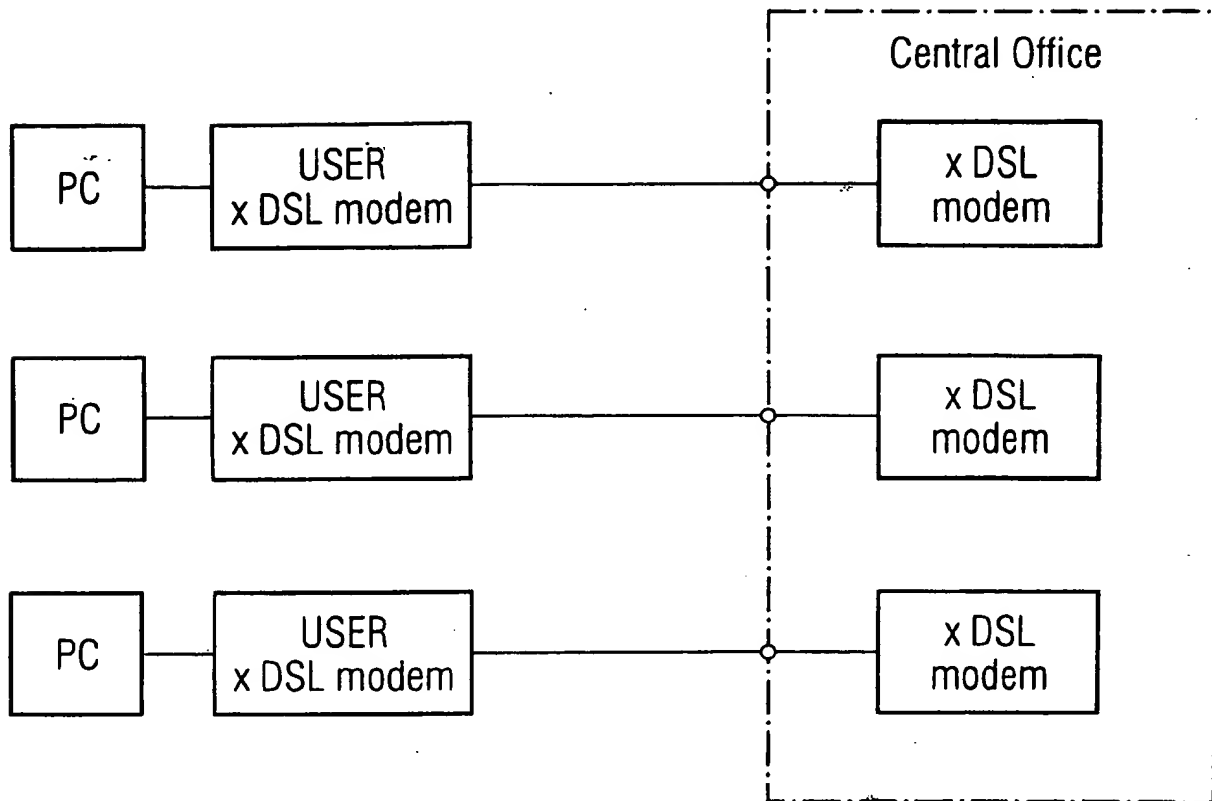
PRIOR ART



Acceptable
FBD 4/24/06

1/6

FIG 1



PRIOR ART